

# UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of:	)	
	)	
LAWN AND GARDEN STEEL FENCE POSTS FROM CHINA	)	Investigation Nos.:
	)	731-TA-1010
	)	(Preliminary)
STRUCTURAL STEEL BEAMS FROM CHINA, GERMANY, LEXEMBOURG, RUSSIA, SOUTH AFRICA, SPAIN, AND TAIWAN	)	731-TA-935-936 AND
	)	731-TA-938-942 (FINAL)

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Date: May 10, 2002

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GERMANY, LEXEMBOURG, RUSSIA, SOUTH	)	731-TA-935-936 AND
AFRICA, SPAIN, AND TAIWAN	)	731-TA-938-942 (FINAL)

Monday,  
June 17, 2002

Room 101  
U.S. International  
Trade Commission  
500 E Street, SW  
Washington, D.C.

The commission meeting commenced pursuant to Notice, at 2:00 p.m., before the Commissioners of the United States International Trade Commission, DEANNA TANNER OKUN, Chairman, presiding.

APPEARANCES:

On behalf of the International Trade Commission:

ITC Commissioners:

DEANNA TANNER OKUN, CHAIRMAN  
JENNIFER A. HILLMAN, VICE CHAIRMAN  
LYNN M. BRAGG, COMMISSIONER  
MARCIA E. MILLER, COMMISSIONER  
STEPHEN KOPLAN, COMMISSIONER

Staff:

MARILYN R. ABBOTT, SECRETARY  
WILLIAM R. BISHOP, STAFF ASSISTANT  
FRED RUGGLES, INVESTIGATOR  
KARL TSUJI, INDUSTRY ANALYST  
CHARLES YOST, ACCOUNTANT  
MARY PEDERSEN, ECONOMIST  
IRENE CHEN, ATTORNEY  
BONNIE NOREEN, SUPERVISORY INVESTIGATOR  
D.J. NA, INVESTIGATOR  
KARL TSUJI, INDUSTRY ANALYST  
JAMES STEWART, ACCOUNTANT  
JOHN GIAMALVA, ECONOMIST  
MARC BERNSTEIN, ATTORNEY  
BONNIE NOREEN, SUPERVISOR INVESTIGATOR

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(2:00 p.m.)

Good afternoon, Madam Secretary.

CHAIRMAN OKUN: Before turning to the official business on our agenda, and with the indulgence of those attending this meeting this morning, I want to take a moment to recognize our outgoing Chairman, Steve Koplan.

As those who practice before the Commission likely are aware, the Chairman and the Vice Chairman of the agency change every two years.

Commissioner Koplan's term as Chairman expired on June 16th, and I have the honor and privilege of having been designated by President Bush to serve as the new Chairman until June 16th, 2004. President Bush designated Jennifer Hillman as Vice Chairman for that same period.

Having served as Vice Chairman for the last two years, I had the opportunity to work closely with Chairman Koplan. I know that those in the agency who have worked with Steve will agree that he has a deep respect and love for this institution.

Even in those instances where he and I had disagreements, I never questioned that he placed the

1 agency's well being first. This, I think, defines the true  
2 public servant, and Steve should be proud of his tenure as  
3 Chairman; a tenure that included conducting the Section 201  
4 Safeguard Investigation on Steel, and keeping 66 parties in  
5 line for six months, a remarkable achievement.

6 He conducted that investigation, as well as every  
7 other matter that came before us, with a litigator's sense  
8 of order, softened with a good dose of a sense of humor.

9 On a more personal note, I greatly appreciate the  
10 opportunities that Steve gave me as Vice Chairman. He took  
11 very seriously the bi-partisan make-up of the Commission,  
12 and always included me in his visits to the Hill and in  
13 meetings with visitors to the Commission.

14 For these reasons, I believe the transition for me  
15 to Chairmanship will be smooth. I can only hope that Vice  
16 Chairman Hillman and I can establish the same easy working  
17 relationship, as we address the challenges ahead, and I'm  
18 confident that we will.

19 Finally, I want to thank Steve for his friendship;  
20 and that, I'm sure will not change, with his position on the  
21 dias.

22 COMMISSIONER KOPLAN: Thank you. Thank you, Madam  
23 Chairman.

24 CHAIRMAN OKUN: Thank you.

25 Let me recognize Commissioner Miller.

1           COMMISSIONER MILLER: The new Chairman is not  
2 quite sure what order to recognize.

3           (Laughter.)

4           COMMISSIONER KOPLAN: Join the crowd.

5           COMMISSIONER MILLER: I also want to join her, the  
6 new Chairman, in thanking Steve, as the outgoing Chairman.  
7 I'm not going to thank the outgoing Vice Chairman, since  
8 she's got the newest challenge in front of her.

9           But Steve, you have been a great Chairman for this  
10 agency in the last couple of years. We recognize you've  
11 been in the solid minority here on the Commission; but not  
12 in most ways, just in terms of gender. And we didn't make  
13 your life very easy along the way.

14           But I have to say, you did take it in the best  
15 sense, and in that sense, you really were a pleasure to work  
16 with, over the last four years, knowing that we don't make  
17 it easy for whoever the Chairman is.

18           You can assure the new Chairman that she'll have  
19 those same challenges with the independent-minded  
20 Commissioners on this body. But I do think that's the  
21 strength of the agency, in all honesty, and makes it a  
22 really interesting place to work; so thank you.

23           And with best wishes to the new team, both Deanna  
24 and Jennifer, I really think we have a great opportunity in  
25 working with them, to better the agency as a whole, and it

1 just couldn't look better to me. Thank you.

2 CHAIRMAN OKUN: Commissioner Hillman?

3 VICE CHAIRMAN HILLMAN: Thank you. I really would  
4 like to add to Chairman Okun's comments. I has been a true  
5 pleasure and an honor to work with Steve.

6 I think as somebody that spent a long time in  
7 Government, it really is a true honor to be around someone  
8 who is as dedicated a public servant as Steve Koplan is.

9 He has put in so many long hours, not just here at  
10 the dias and in public hearings, but behind the scenes in so  
11 many ways, as a furtherance always of this agency. I think  
12 he deserves a tremendous amount of credit.

13 Speaking for myself, I'd also like to just  
14 particularly thank him for what I regarded as the  
15 extraordinary job he did in presiding over our hearings.

16 It's not an easy job, and I think it was made  
17 harder by the fact that we had a record high number of  
18 hearings during his tenure here. Yet, he was here, without  
19 fail, I think, consistently treating all parties  
20 extraordinarily fairly, in all of the rulings that he made.

21 In the way in which he presided over it, I think,  
22 gave this Commission and this place a very special sense to  
23 all of the parties, that they were going to be treated  
24 fairly, that they were going to be treated equally, and that  
25 everybody was going to have a true day in Court.



1           I think he deserves a tremendous amount of credit,  
2   from all of us, for the really extraordinary job that he's  
3   done. It's been a pleasure to work with him.

4           I would say to our new Chairman Okun, I very much  
5   look forward to the chance to work with you as Chairman; and  
6   I do intend, and I hope that we will, continue very much the  
7   bi-partisan spirit in which this Commission has been run for  
8   some years now.

9           So I am honored that the President has selected me  
10   to be the Vice Chairman, and I will, I hope, do all that I  
11   can, to continue a good trend of fine leadership at the top  
12   of the Commission.

13           My congratulations to Steve, in his outgoing  
14   status, and to Chairman Okun.

15           CHAIRMAN OKUN: Thank you.

16           COMMISSIONER KOPLAN: Thank you all, I very much  
17   appreciate it.

18           CHAIRMAN OKUN: I know, throughout my tenure, I'm  
19   surrounded by former Chairmen, who I'm sure can give me lots  
20   of good advice. So with that, we will continue on with the  
21   business of the meeting of the Commission today.

22           Madam Secretary, I understand there is no agenda  
23   for future meetings or outstanding action jackets for us to  
24   consider.

25           MS. ABBOTT: That is correct, Madam Chairman.

1           CHAIRMAN OKUN: Are there any objections to  
2 approval of the minutes of June 10th, 2002, or Ratification  
3 List 02-015?

4           (No response.)

5           CHAIRMAN OKUN: Hearing none, they are approved.

6           The next item on the agenda is Investigation  
7 Number 731-TA-1010 (Preliminary), Lawn and Garden Steel  
8 Fence Posts from China.

9           Welcome to Ms. Noreen and the staff who  
10 participated in this investigation. Does any Commissioner  
11 have questions for the staff?

12          (No response.)

13          CHAIRMAN OKUN: Are there any objections or  
14 corrections to the staff report?

15          MS. NOREEN: Bonnie Noreen with the Office of  
16 Investigations -- yes, Madam Chairman, we propose that the  
17 staff report be revised to include the information in  
18 Director of Investigation's Memoranda INV-Z-091 of June  
19 13th, 2002; and INV-Z-093 of June 14th, 2002.

20          Also, I would like to introduce Irene Chen with  
21 the Office of General Counsel, who is appearing before the  
22 Commission for the first time today.

23          CHAIRMAN OKUN: Welcome, Ms. Chen.

24          MS. CHEN: Thank you.

25          CHAIRMAN OKUN: Are there any objections to

1 approval of the staff report, as revised?

2 (No response.)

3 CHAIRMAN OKUN: Hearing none, it is approved.

4 Madam Secretary, will you please call the roll?

5 MS. ABBOTT: Commissioner Miller?

6 COMMISSIONER MILLER: I vote in the negative in  
7 this investigation.

8 MS. ABBOTT: Commissioner Hillman?

9 VICE CHAIRMAN HILLMAN: I vote in the negative in  
10 this investigation.

11 MS. ABBOTT: Commissioner Koplan?

12 COMMISSIONER KOPLAN: In this investigation, I  
13 find two separate like products: first, "U" or hat-shaped  
14 lawn and garden fence posts made of steel and/or any other  
15 metal, weighing one pound or less per foot; and second,  
16 other fence posts made of steel and/or other metal,  
17 including "T," farm, and sign posts, weighing one pound or  
18 less, per foot.

19 With respect to the former, I vote in the  
20 affirmative. With respect to the later, I vote in the  
21 negative.

22 MS. ABBOTT: Commissioner Okun?

23 CHAIRMAN OKUN: I concur with Commission Koplan.

24 MS. ABBOTT: Commissioner Bragg?

25 COMMISSIONER BRAGG: I vote in the affirmative.

1 MS. ABBOTT: I need one moment to ask General  
2 Counsel a question.

3 Madam Chairman, we have an affirmative  
4 determination on the "U" shape; a negative determination on  
5 the other fence posts.

6 CHAIRMAN OKUN: Further details regarding this  
7 determination will be provided in the press release.  
8 Commissioner's opinions are currently scheduled to be  
9 transmitted to the Department of Commerce on or before June  
10 24th, 2002. Thank you to all staff who participated in this  
11 investigation.

12 The next item on the agenda is Investigation  
13 Numbers 731-TA-935, 936, and 938 and 942 (Final), Structural  
14 Steel Beams from China, Germany, Luxembourg, Russia, South  
15 Africa, Spain, and Taiwan. I'll pause a moment while this  
16 staff assembles itself.

17 Welcome, again, to Ms. Noreen and the staff who  
18 participated in these investigations. Does any Commissioner  
19 have questions for the staff?

20 (No response.)

21 CHAIRMAN OKUN: Are there any additions or  
22 corrections to the staff report?

23 MS. NOREEN: Bonnie Noreen with the Office of  
24 Investigations -- yes, Madam Chairman, we propose that the  
25 staff report be revised to include the information in

1 Director of Investigations Memoranda INV-Z-085 of June 7th,  
2 2002; INV-Z-090 of June 12th, 2002; and INV-Z-095 of June  
3 17th, 2002.

4 Although staff circulated report revisions in  
5 Memorandum INV-Z-094, on June 14th, 2002, that memorandum  
6 has been superseded in its entirety by today's Memorandum  
7 INV-Z-095.

8 CHAIRMAN OKUN: Are there any objections to  
9 approval of the staff report, as revised?

10 (No response.)

11 CHAIRMAN OKUN: Hearing none, it is approved.

12 Madam Secretary, will you please call the roll?

13 MS. ABBOTT: Commissioner Bragg?

14 COMMISSIONER BRAGG: I vote in the affirmative.

15 MS. ABBOTT: Commissioner Miller?

16 COMMISSIONER MILLER: I vote in the negative.

17 MS. ABBOTT: Commissioner Koplan?

18 COMMISSIONER KOPLAN: I vote in the negative.

19 MS. ABBOTT: Commissioner Hillman?

20 VICE CHAIRMAN HILLMAN: I vote in the negative.

21 MS. ABBOTT: Commissioner Okun?

22 CHAIRMAN OKUN: I vote in the negative.

23 MS. ABBOTT: Madam Chairman, the Commission has  
24 reached a negative determination in these investigations.

25 CHAIRMAN OKUN: Further details regarding this

1 determination will be provided in the press release.  
2 Commissioner's opinions are currently scheduled to be  
3 transmitted to the Department of Commerce on or before June  
4 25th, 2002. Thank you to all staff who participated in  
5 these investigations.

6 Madam Secretary, is there any other business  
7 before this meeting?

8 MS. ABBOTT: No, Madam Chairman.

9 CHAIRMAN OKUN: Very well then, this meeting is  
10 adjourned.

11 (Whereupon, at 2:13 p.m., the commission meeting  
12 in the above-entitled matter was adjourned.)

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**CERTIFICATION OF TRANSCRIPTION**

**TITLE:** LAWN AND GARDEN STEEL FENCE POSTS FROM CHINA &  
STRUCTURAL STEEL BEAMS FROM CHINA

**INVESTIGATION NOS.:** 731-TA-1010 & 731-TA-935-936 &  
731-TA-938-942

**HEARING DATE:** June 17, 2002

**LOCATION:** Washington, DC

**NATURE OF HEARING:** Commission Meeting

I hereby certify that the foregoing/attached transcript is a true, correct and complete record of the above-referenced proceeding(s) of the U.S. International Trade Commission.

**DATE:** June 17, 2002

**SIGNED:** LaShonne Robinson  
Signature of the Contractor or the  
Authorized Contractor's Representative  
1220 L Street, N.W. - Suite 600  
Washington, D.C. 20005

I hereby certify that I am not the Court Reporter and that I have proofread the above-referenced transcript of the proceeding(s) of the U.S. International Trade Commission, against the aforementioned Court Reporter's notes and recordings, for accuracy in transcription in the spelling, hyphenation, punctuation and speaker-identification, and did not make any changes of a substantive nature. The foregoing/attached transcript is a true, correct and complete transcription of the proceeding(s).

**SIGNED:** Lorenzo Jones  
Signature of Proofreader

I hereby certify that I reported the above-referenced proceeding(s) of the U.S. International Trade Commission and caused to be prepared from my tapes and notes of the proceedings a true, correct and complete verbatim recording of the proceeding(s).

**SIGNED:** Sharon Bellamy  
Signature of Court Reporter